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REVIEW OF DEVELOPMENTS IN THE FIELD OF CONTEMPORARY FORMS OF SLAVERY AND MEASURES TO PREVENT AND REPRESS ALL CONTEMPORARY FORMS OF SLAVERY

Report of the Secretary-General

CONTENTS

	Page
Introduction	3
I. INFORMATION RECEIVED FROM GOVERNMENTS	3
Egypt	3
Fiji	9
Monaco	10
Sudan	10

CONTENTS (continued)

		Page
II.	INFORMATION RECEIVED FROM UNITED BODIES AND AGENCIES	11
	United Nations Centre for International Crime Prevention . .	11
	Food and Agriculture Organization of the United Nations . . .	11
III.	INFORMATION RECEIVED FROM INTERGOVERNMENTAL ORGANIZATIONS . .	12
	Council of Europe	12
	International Criminal Police Organization	12
	Organization for Economic Cooperation and Development	13
IV.	INFORMATION RECEIVED FROM NON-GOVERNMENTAL ORGANIZATIONS . .	13
	Human Rights Advocates, Inc.	13

Introduction

The Secretary-General has received information relating to various sub-items of item 4 of the provisional agenda. A summary of the information received is provided in the present document.

I. INFORMATION RECEIVED FROM GOVERNMENTS

Egypt

[Original: Arabic]
[27 April 1998]

The Government of Egypt transmitted information regarding contemporary forms of slavery.

The standpoint of the Egyptian Constitution

Part Two of the Egyptian Constitution promulgated on 11 September 1971 is devoted to the basic constituents of society. It shows concern for the family as the nucleus of Egyptian society and guarantees appropriate conditions for mothers and children to develop their talents. It also shows due regard for the need to reconcile the employment of women with their family duties and recognizes their equality with men in the political, social, cultural and economic spheres of life, without prejudice to the provisions of Islamic law. Under the terms of the Constitution, Egyptian society has an obligation to respect and protect morals.

Article 9 of the Constitution stipulates that: "The family, which is rooted in religion, morality and patriotism, is the cornerstone of society. The State shall strive to preserve the authentic character of the Egyptian family, with the values and traditions that it embodies, while affirming and developing this character in relations within Egyptian society." Article 10 stipulates that: "The State undertakes to protect mothers and children, to cater for the welfare of the rising generation and youth and to create appropriate conditions for the development of their talents." Article 11 further stipulates that: "The State undertakes to reconcile the duties of women towards their family with their work in society and guarantees their equality with men in the political, social, cultural and economic spheres of life, with due regard for the provisions of Islamic law."

Under article 12: "Society has an obligation to respect and protect morals and to promote authentic Egyptian traditions. It must maintain a high standard of religious education, patriotic and moral values, the historical heritage of the people, scientific realities, socialist behaviour and public ethics, within the limits of the law. The State undertakes to apply and promote these principles."

Part Three of the Constitution is devoted to public freedoms, rights and obligations. Article 40 stipulates that: "Citizens are equal before the law and in regard to their public rights and obligations, without distinction among them on grounds of sex, origin, language, religion or belief."

Since the Constitution, which is the country's basic law, defines the principles which Egyptian society must apply in regard to the family, mothers and children, the ordinary laws promulgated in accordance with the Constitution must respect the same principles.

The standpoint of the ordinary legislation in regard to the prohibition of the sale, prostitution and employment of children

The Egyptian legislature has taken care to ensure that measures to prevent the sale, prostitution and employment of children, as well as forms of contemporary slavery and discrimination, and to protect minorities are included in the Penal Code, as amended, the Labour Act No. 137 of 1981, as amended, the Prevention of Prostitution Act No. 10 of 1966, the Children's Act No. 12 of 1996 which incorporates the provisions of the Convention on the Rights of the Child adopted by the United Nations in 1989 and the implementing regulations pertaining to that Act, as required by the Prime Minister's Ordinance No. 3452 of 1997 and the Minister of Justice's Ordinance No. 2235 of 1997 concerning the establishment of the Directorate-General for the Legal Protection of Children.

1. The protection afforded by the Penal Code

The legislature deals with the question of the sexual abuse of children in Part Four of the Penal Code, article 268 of which stipulates that: "Anyone who sexually abuses a person, or attempts to do so, through the use of force or threats is liable to a penalty of three to seven years' imprisonment with hard labour. If the victim of the said offence was under 16 years of age or if the offender was among the persons specified in article 267, paragraph 2 (ascendants of the victim or persons responsible for the victim's upbringing or supervision, exercising authority over the victim or working as a paid servant for the victim or for any of the aforementioned persons), the penalty may be increased to the maximum fixed term of imprisonment with hard labour. If both these conditions are met, the penalty shall be hard labour for life."

Article 269 stipulates that: "Anyone who sexually abuses a young boy or girl under 18 years of age without using force or threats is liable to a penalty of imprisonment. If the victim was under seven years of age or if the offender was among the persons specified in article 267, paragraph 2, the penalty shall be a fixed term of imprisonment with hard labour."

The legislature deals with the question of the theft of children and the abduction of girls in Part Five of the Penal Code, article 283 of which stipulates that: "Anyone who abducts, conceals or substitutes a newborn child or falsely attributes the child to other than his or her mother is liable to a penalty of imprisonment. The penalty shall be a term of up to one year's imprisonment if it is not proved that the child was born live, or a term of up to two months' imprisonment if it is proved that the child was stillborn."

Under article 288: "Anyone who, in person or through a third party, uses deceit or coercion to abduct a male child under 16 years of age is liable to a fixed term of imprisonment with hard labour."

Under article 289: "Anyone who, in person or through a third party, abducts a child under 16 years of age without using deceit or coercion is liable to a penalty of 3-10 years' imprisonment. If the abducted child is female, the penalty shall be a fixed term of imprisonment with hard labour. However, the abduction of a female, accompanied by rape of the victim, shall render the offender liable to a penalty of imprisonment with hard labour for life."

From the above, it is evident that all types of offences against children are designated as criminal acts in the present Egyptian criminal legislation.

2. The protection afforded by the Labour Act No. 137 of 1981

Part Six, chapter II, of the Labour Act is devoted to the employment of young persons.

Article 143 stipulates that: "For the purposes of the application of the provisions of this chapter, a 'young person' shall be deemed to be a male or female child from 12 to 17 years of age. Every employer employing a young person under 16 years of age has an obligation to provide him with an identity card certifying that he is an employee. The card, bearing the young person's photograph, must be approved and stamped by the competent Manpower Office."

Article 144 stipulates that: "It is prohibited to employ or train children under 12 years of age."

Article 145 further stipulates that: "The Minister of State for Manpower and Training shall determine the regulations for the employment of young persons, as well as their terms and conditions of employment, their working conditions and the occupations, professions and industries in which they can work, in accordance with their various age groups."

Under article 146: "A young person shall not be required to work more than six hours a day and his working hours must be interrupted by one or more rest periods or mealtimes totalling not less than one hour. These periods shall be scheduled in such a way as to ensure that the young person does not work more than four consecutive hours. It is not permitted, under any circumstances, to require a young person to work between the hours of 7 p.m. and 6 a.m."

Under article 147: "It is prohibited to employ young persons on overtime or on weekly days of rest or public holidays."

Under article 148: "An employer employing one or more young persons has an obligation to:

(i) Post at his business premises a copy of the provisions contained in this chapter;

(ii) Prepare and update a schedule showing the working hours and rest periods;

(iii) Notify the competent administrative authority of the names of the young persons employed by him, as well as the names of the persons assigned to supervise their work."

Article 174 (Part Eight) of the Labour Act stipulates that anyone who infringes any of the provisions of Chapters II and III of Part Six, concerning the employment of young persons and women, or the ordinances promulgated pursuant thereto is liable to a fine of LE 10-20, multiplied by the number of workers against whom the infringement was committed. This penalty is doubled in the event of a repeated infringement.

3. The legal protection afforded by the Prevention of Prostitution Act No. 10 of 1961

The Arab Republic of Egypt acceded to the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, which was signed at Lake Success on 21 March 1950, under the terms of Presidential Decree No. 884. Accordingly, Act No. 10 of 1961, incorporating the provisions of the Prevention of Prostitution Act No. 68 of 1951 together with other new provisions to achieve the aims of the Convention, was duly promulgated.

Through this Act, the legislature sought to ensure that children were protected from exploitation or involvement in, or incitement to engage in, acts of prostitution.

Article 1: The Act reads as follows:

(a) Anyone who incites a male or female to engage in debauchery or prostitution, aids and abets therein or employs, procures or entices them with a view to their engagement in debauchery or prostitution is liable to a penalty of 1-3 years' imprisonment together with a fine of LE 100-300 in the Egyptian region and LS 1,000-3,000 in the Syrian region.

(b) If the victim of the offence was under 21 years of age, the penalty is a term of 1-5 years' imprisonment together with a fine of LE 100-500 in the Egyptian region and LS 1,000-5,000 in the Syrian region.

Article 2: The penalty prescribed in paragraph (b) of the preceding article shall be imposed on:

(a) Anyone who resorts to deceit, force, threats, abuse of authority or other means of coercion in order to employ, procure or entice a male or female to engage in debauchery or prostitution.

(b) Anyone who uses any of the above-mentioned means in order to retain a male or female in a place of debauchery or prostitution against their will.

Article 3: Anyone who incites or assists a male under 21 years of age or a female of any age to leave the United Arab Republic or who employs or

accompanies them abroad for the purpose of engagement in debauchery or prostitution, and anyone who knowingly assists therein, is liable to a penalty of 1-5 years' imprisonment together with a fine of LE 100-500 in the Egyptian region and LS 1,000-5,000 in the Syrian region.

The maximum penalty shall be seven years' imprisonment, together with the prescribed fine, if the offence is committed against two or more persons or through the use of any of the means referred to in the first paragraph of article 2.

Article 4: In the cases referred to in the preceding three paragraphs, the penalty shall be a term of 3-7 years' imprisonment if the victim of the offence was under 16 years of age or if the offender was an ascendant of the victim or a person responsible for the victim's upbringing or supervision, exercising authority over the victim or working as a paid servant for the victim or for any of the aforementioned persons.

4. The protection afforded by the Children's Act No. 12 of 1996

Egypt's international obligations, and particularly those arising from its accession to the Convention on the Rights of the Child adopted by the United Nations in 1989, are among the main principles underlying the Children's Act No. 12 of 1996 and its implementing regulations promulgated in Presidential Decree No. 3452 of 1997.

Article 1 stipulates that: "The State shall ensure the protection of mothers and children, cater for the welfare of children and endeavour to provide appropriate conditions for their proper upbringing in all respects in a manner consistent with liberty and human dignity".

The first paragraph of article 2 stipulates that: "For the purposes of the welfare provided for in this Act, a 'child' shall mean any person under 18 years of age".

Article 64 further stipulates that: "Without prejudice to the provisions contained in article 18, paragraph 2, of the Education Act No. 139 of 1981, it is prohibited to employ children under 14 years of age or to train those under 12 years of age. By decision of the competent Governor, with the approval of the Minister of Education, authorization may be granted to employ children from 12 to 14 years of age in seasonal work that is not detrimental to their health, development or regular school attendance".

Under article 65: "The implementing regulations shall specify the rules governing the employment of children, as well as their terms and conditions of employment, their working conditions and the occupations, trades and industries in which they can work, in accordance with their various age groups".

Under article 66: "A child shall not be required to work more than six hours a day and his working hours must be interrupted by one or more rest periods or meal times totalling not less than one hour. These periods shall be scheduled in such a way as to ensure that the child does not work more than four consecutive hours. It is prohibited to employ children on overtime or on

weekly days of work or public holidays. It is not permitted, under any circumstances, to require a child to work between the hours of 8 p.m. and 7 a.m.".

5. The Prime Minister's Ordinance No. 3452 of 1997 promulgating the implementing regulations for the Children's Act No. 12 of 1996

The implementing regulations for the Children's Act No. 12 of 1996 supplement Part Seven, chapter IV, concerning endangered children.

Article 203 of the implementing regulations stipulates that a child is deemed to be endangered if he or she is found to be in a situation that threatens his or her proper upbringing, particularly in any of the following circumstances:

(i) If the child's safety, morals, health or life are endangered.

(ii) If the circumstances of the child's upbringing within his or her environment are likely to endanger the child.

(iii) If the child is abandoned by the person responsible for his or her maintenance.

(iv) If the child's educational prospects are endangered due to non-completion of his or her studies.

(v) If there is a risk that the child might be induced to engage in the illicit use of narcotic drugs or alcohol or in violent or immoral acts.

Article 204 stipulates that: "A child who is deemed to be endangered in the manner specified in the preceding article shall be placed in a social welfare institution for a period which the competent Office of Juvenile Prosecutions deems sufficient to avert the danger. Such placement shall be effected by decision of the Office of Juvenile Prosecutions at the request of either of the child's parents, his or her guardian or a relative or at the request of the abandoned child. Such placement may also be effected, at the sole discretion of the Office of Juvenile Prosecutions, in any case in which there is a need to protect the life, safety, security or future of the child".

6. The Minister of Justice's Ordinance No. 2235 of 1997 establishing the Directorate-General for the Legal Protection of Children

Article 1 of this Ordinance made provision for the establishment, within the Ministry of Justice, of a "Directorate-General for the Legal Protection of Children" to apply, in coordination with the bodies concerned with children, the National Strategy for the Protection of Children and to ensure that children are provided with the requisite legal protection in conformity with the provisions of Egyptian legislation and the international instruments in force in Egypt.

Under the terms of this Ordinance, that Directorate-General is required to take the following effective measures to protect children:

(a) Provision of legal protection to safeguard the child from danger or delinquency through the adoption of appropriate preventive measures to assist children who are endangered, exposed to delinquency or already delinquent.

(b) Receipt, transmission to the competent authorities and monitoring of information, complaints and petitions concerning violations of the rights of the child or court judgements affecting children.

(c) Inspection of institutions and premises in which children are placed, preparation of the requisite inspection reports and ongoing monitoring of the situation.

From the above, it is evident that Egypt's national legislation and the implementing regulations pertaining thereto afford legal protection from all types of acts detrimental to the rights and liberty of children as guaranteed by the Egyptian Constitution and the international instruments concerning human rights in general and the protection of children in particular.

Fiji

[Original: English]
[20 February 1998]

1. The Government of Fiji submitted a report outlining the measures taken to implement the recommendations of Sub-Commission resolutions 1997/20 and 1997/22. According to the Employment Act, it is illegal to employ a child under the age of 12 in Fiji. However, it is permissible to employ children in an agricultural, family-owned and -operated undertaking. Employment of children in industrial undertakings is proscribed. Where children are allowed to be employed some provisions restrict the conditions of their employment insofar as they relate to: wages, place of residence, working environment (not to be injurious/dangerous to health or unsuitable for children); consent of parents/guardians; hours of work; employment in mines and employment on ships.

2. The Employment Act also regulates the employment of women at night or in mines and maternity protection and payment of maternity allowances. Fiji's legislation does not distinguish between migrant workers and non-migrant workers in the enjoyment of the benefits provided for in the Employment Act.

3. Fiji has in place provisions which make it illegal, inter alia, to keep or manage a brothel, to sell minors (a person under the age of 16) or to live on the earnings of a prostitute.

4. The Juvenile Act makes illegal cruelty to and neglect of juveniles, causing or allowing children to be used for begging, giving intoxicating or spirituous liquor to children, selling intoxicating liquor to persons under 18 years or taking pawns from juveniles. It is also illegal, according to the Juvenile Act, for any person to be involved (publicly or privately) in pornographic activities with a juvenile. For the first time, the powers of the court have been expanded to allow for convicted offenders to be fined $25,000 or imprisoned for up to 14 years, or both, for first offenders.

5. To operationalize and strengthen the efficacy of the Juveniles Act, Fiji has entered into an agreement with the Government of Australia to discourage Australians from looking at the South Pacific Island States as destinations for their paedophile activities, to facilitate greater cooperation between police and other authorities in the two countries, and to expedite extradition of offenders.

Monaco

[Original: French]
[3 February 1998]

The Government of the Principality of Monaco is particularly concerned by contemporary forms of slavery and especially by the need to protect minors from sexual exploitation. H.S.H. Prince Albert has recommended that crimes involving the exploitation of children should henceforth be assimilated to crimes against humanity. This suggestion would make it easier to combat such crimes, since it makes a stronger appeal to the international community for broader and more effective law repression.

Sudan

[Original: English]
[25 June 1997]

1. The Government of the Sudan transmitted to the Secretariat the report of a commission formed by Ministerial Decree No. 1 of 1996 to investigate the presence of any practices of slavery, servitude, the slave trade or similar practices. If the presence of such practices is established, the commission was asked to propose measures to put an immediate end to them.

2. In order to consolidate the effectiveness and impartiality of the commission, the Minister of Justice and Chairman of the Advisory Council for Human Rights issued Ministerial Decree No. 3 of 1996, reforming the commission and adding to it non-governmental elements and national personalities and assigning its chairmanship to the head of the Sudanese Organization for Human Rights.

3. The results of the commission's visit to the areas of the Nuba Mountains can be summarized as follows:

(a) The commission did not obtain any information confirming the existence of the slave trade in the areas of the Nuba Mountains and the surrounding areas; on the contrary, the commission obtained information refuting such practices;

(b) Documents presented to the commission and the interviews it held with citizens and officials denied the occurrence of cases of rape in the area of UmSurdubba (sic.). Most important of the information the commission obtained in this respect was the testimony of Al-Amin Mando Ismail Barky, who belongs to the Nuba Balmoro tribe. Also from available information, the Commission excluded the occurrence of organized mass rape in any governorate of Southern Kordofan State;

(c) After investigations with officials of police, members of the armed forces and administrative bodies, in addition to interviews with the Commander of the Southern Kordofan Military Zone, the officers working with him, and their house servants, the commission ascertained that all the house servants are working with fixed, agreed salaries. This is a profession governed by the House Servants Law enacted in the Sudan in 1955 and still in force. There are no indications of slavery or forced labour in this profession;

(d) The commission did not find any large or small ranches given to government protégés at which Nubians are working under forced labour. It also found no indication of Nuba land confiscation for allocation to senior officials.

4. The commission submitted its preliminary report on the date fixed by the Minister of Justice. The report being limited to the results of its visit to the area of the Nuba Mountains, the commission will continue its field visits to other areas and will continue its investigations with all parties that might help in completely clearing up this matter. The commission will present its recommendations to the competent authorities in due course.

II. INFORMATION RECEIVED FROM UNITED NATIONS BODIES AND AGENCIES

United Nations Centre for International Crime Prevention

The United Nations Centre for International Crime Prevention stated that it had no specific views to provide on the matter. However, according to the Centre, attention should be drawn to the relevant provisions of the United Nations standards and norms in the field of crime prevention and criminal justice, particularly the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power (General Assembly resolution 40/34 of 29 November 1985).

Food and Agriculture Organization of the United Nations

[Original: English]
[13 March 1998]

1. The Food and Agriculture Organization of the United Nations stated that none of the projects formulated or supported by the FAO have in any way supported the use of bonded labour. FAO seeks to ensure, at the appraisal and formulation stages of relevant projects, the protection of children and other persons exposed to contemporary forms of slavery, and appreciates the recommendations of the human rights bodies to that effect.

2. In addition, FAO works proactively to avoid discrimination against rural women through involvement of rural women as trainees, agents of change and decision makers in its normative and operational activities. Regarding concern for exploitative conditions of migrant workers, particularly young female domestic workers, FAO is involved in understanding household income strategies leading to such choices and to finding alternative, non-exploitative sources of family income, and formulating policy recommendations to support rural households.

3. With respect to land access and land tenure issues, the position of FAO has been and will continue to be that access to natural resources should be made available to all, particularly to people who would like to directly farm available land, including women, ethnic minorities and resource-poor households. This approach has already been proposed in the FAO Land Reform Bulletin (1997/1) for peri-urban agriculture and will be reinforced in the second issue of 1998, which discusses national rural land for redistribution to direct farmers.

III. INFORMATION RECEIVED FROM INTERGOVERNMENTAL ORGANIZATIONS

Council of Europe

[Original: English]
[12 February 1998]

1. In the Final Declaration of the Second Summit of the Council of Europe (10-11 October 1997), the heads of State and Government affirmed their determination to combat violence against women and all forms of sexual exploitation of women.

2. Traffic in women and girls is a distinct manifestation of violence inflicted upon women and a modern form of slavery. It entails grave violations of fundamental human rights. This phenomenon has gained momentum and intensity, inter alia with the increasing flows of population between Central and Eastern Europe, on the one hand, and the rest of Europe on the other. The Council of Europe has, through the work of a group of specialists, identified the most urgent areas for action in this field which have been worked out, by a consultant, in a comprehensive Plan of Action. This Plan suggests reflection and research guidelines with a view to making recommendations to the member States on legislative, judicial and police aspects, on plans designed to assist, support and rehabilitate the victims and on preventive and educational programmes. The Steering Committee for equality between women and men (CDEG) is continuing its work in this area in 1998, through a multidisciplinary group of specialists which has been entrusted with elaborating a draft recommendation to member States on the issue of trafficking in human beings.

International Criminal Police Organization

[Original: English/French]
[21 January 1998]

1. Each year the General Secretariat of ICPO-Interpol asks the heads of the National Central Bureaux to send any concrete information which they might have collected about acts giving rise to or maintaining slavery or similar practices. The General Secretariat prepares an annual report on the evolution of this type of crime. The ICPO attached a copy of the report concerning the year 1996.

2. By 22 May 1997, the General Secretariat had received replies from 50 bureaux situated in Andorra, Argentina, Armenia, Australia, Azerbaijan, Bahamas, Belarus, Belgium, Botswana, Chile, China, Colombia,

Czech Republic, Estonia, Finland, Germany, Hong Kong, Hungary, Indonesia, Iran (Islamic Republic of), Ireland, Jamaica, Japan, Jordan, Kenya, Latvia, Lebanon, Liechtenstein, Luxembourg, Macau, Malaysia, Malta, Mongolia, Netherlands, Oman, Republic of Moldova, Russian Federation, St. Kitts and Nevis, Saudi Arabia, Singapore, Slovakia, Spain, Sudan, Sweden, Switzerland, Turkey, Ukraine, United States of America, Uzbekistan and Venezuela.

3. Of the replies from the 50 above-mentioned bureaux, 48 indicated that no case corresponding to the definitions of slavery, the status of servitude and the slave trade had been recorded or had given rise to exchanges of information between National Central Bureaux and Interpol in 1996.

4. The National Central Bureau of Spain indicated that no case of slavery corresponding to the United Nations definition had been reported, although the police had noted similar practices involving organized groups of foreign origin using clandestine labour in the hotel, catering and textile industries. The National Central Bureau of the United States of America indicated that four cases had been discovered in 1996. No country reported the adoption or entry into force of new legal provisions in 1996. However, the National Central Bureau of Azerbaijan and the National Central Bureau of Estonia indicated that new provisions in this regard were currently under consideration in their countries.

Organization for Economic Cooperation and Development

[Original: English]
[28 January 1998]

The Organization for Economic Cooperation and Development has not recently undertaken any activities relating to contemporary forms of slavery.

IV. INFORMATION RECEIVED FROM NON-GOVERNMENTAL ORGANIZATIONS

Human Rights Advocates, Inc.

[Original: English]
[30 April 1998]

1. Trafficking in women and children is an epidemic problem and prohibited by multiple international conventions. Both the Commission on Human Rights and the General Assembly have noted with concern the increasing number of women and girls who are being victimized by traffickers, and recognized the need to eliminate all forms of sexual violence and sexual trafficking. Over 1 million women and children are trafficked into prostitution. Sex tourism yields $5 billion per year. Traffickers transport women and children from their homes and families, confiscate their passports, and rape their victims to subdue and "break" them. Many victims are hesitant to report the abuse to authorities, often not speaking the language and fearing reprisals for illegal migration. Trafficking in women and children, though prevalent in developing and industrial countries alike, manifests itself in different ways. One difference is that many States criminalize prostitution and others do not. Women's advocates disagree whether prostitution should be criminalized. The following are examples of trafficking in different regions.

Latin America

2. In Latin America, children who are forced to earn a living on the streets are vulnerable to pimps who exploit them for profit and offer them "protection" which masks abuse, often violence, and drug dependency.

3. Thousands of Ecuadorean children are smuggled through Colombia and brought into Venezuela to work in conditions of virtual slavery as prostitutes. The problem is attributed to corruption among Ecuadorean and Venezuelan officials, who are accused by many of covering up.

4. A growing number of "sex tourists" are arriving in Central America. One Australian and one American were accused of trafficking a young Honduran boy to the United States to sexually abuse him. Two Americans were arrested in Costa Rica for operating a sex tourism operation in which foreign visitors were collected at the airport and taken to a brothel in Los Angeles.

Asia

5. In Asia, young girls are sold by impoverished families to pimps, believing the girls will be better with pimps than starving, and that with the money they receive they can better care for other children.

6. Thailand is a major destination for human traffickers, who procure victims for the sex trade from Cambodia, China, the Lao People's Democratic Republic and Myanmar. This business generates between $ 11.2 and 13.5 billion a year, equivalent to 50 to 60 per cent of Thailand's 1995 national budget. Thai law criminalizes child prostitution and penalizes violators, but corruption of many policemen, officials and politicians means weak law enforcement. Many enforcement officials have a financial investment in the sex trade or receive bribes. Despite occasional crackdowns, there is no consistent and adequate implementation of Thai law.

7. Cambodia has an estimated 35,000 sex workers, nearly 35 per cent of whom are under the age of 17. Prostitutes are supplied to brothels within Cambodia and also smuggled into Thailand in a highly organized lucrative business. An estimated 40 to 50 per cent of Cambodian prostitutes have AIDS. Though recent laws prohibit trafficking in people, including fines and imprisonment for pimps and brothel owners, no arrests have been made. UNICEF says that there is little doubt that law enforcement officials are involved in practically every stage of the trafficking process, and that the legal system is politically weak and cannot really hold powerful people to account for their activities.

8. Chinese women and girls are trafficked, both intra- and inter-State, as abductors transport them across the country to sell into forced marriages and prostitution. Women are generally sold far away from home to make escape and detection difficult. An estimated 80,000 women are abducted and sold each year. While abduction and the sale of women are crimes, there are many legal loopholes, and the sale of persons by family members is not prohibited. Another problem is the lack of enforcement, blamed on corruption, weakness of local government or indifference. Some local officials do not view

trafficking as a serious crime and take no action against it. Others are actively involved or accept bribes from traffickers to keep quiet.

Africa

9. In Africa, civil strife and failed structural adjustment strategies have weakened family structures and support. Often adults and children are left with few alternatives to exchanging sex for food, money and even relief supplies.

10. In Kenya, where 85 per cent of the population lives in rural areas with no food or access to basic amenities and 50 per cent of the population lives below the poverty datum line, children at eight years old are trafficked to the province of Nyanza as sex workers. Illicit trade of children in Nyanza is apparently on the rise to accommodate Asian businessmen and high-ranking executives. Child prostitution is attributed to poverty, broken families, and the AIDS virus that orphaned many children.

Eastern Europe

11. In Eastern Europe, where political and economic upheavals, runaway inflation and increasing economic disparities have made communities and children vulnerable, child prostitution is on the rise.

12. Thousands of women from the former Soviet Union are trafficked each year to Macau, Dubai, Germany, Israel and the United States as striptease dancers and prostitutes. Many are attractive and well educated, but prefer to take their chances abroad than face unemployment and poverty in their own countries. Low-end members of the Russian Mafia dominate the trade, but high-powered Mafia elite skim a commission in exchange for protection and connections with law enforcement. Reports allege serious government complicity in the business of trafficking women abroad, including the Ministry of the Interior of the Russian Federation, the Federal Security Service and the Ministry of Foreign Affairs.

United States

13. In the United States, between 100,000 and 300,000 children are sexually exploited through prostitution and pornography. Unlike other parts of the world, poverty is not the main contributing factor. Many victims are runaway children from inner cities or farming families in rural and small-town areas in mid-Western states who have suffered incest, rape and abuse at home and are promised work as models and actresses by flashy pimps involved in small trafficking groups.

14. Many children are also trafficked from Mexico, sexually abused and discarded. Other women and children are trafficked into the United States for work in clandestine brothels, domestic service, and garment sweatshops. These destitute victims are easy targets for other circles of crime, as they don't speak the language and fear deportation.

15. The United States has many federal and state laws criminalizing trafficking and prostitution, but these laws treat even child prostitutes as

perpetrators rather than victims. In addition to being shunned by society as shameful and dirty, the legal system throws prostitutes into jail or deports them rather than healing these victims of violence and offering rehabilitation and counselling.

Conclusions and recommendations

16. Despite differences in the economic, political and social systems of countries where trafficking of women and children exists, there are common problems. Inadequacies in enforcement include active involvement of law enforcement and Government officials in the business, overlooking illegal activities or covering up, and giving low priority to investigating and preventing violence against women. For example, the "war on drugs" in the United States receives significant funds to combat drug trafficking, but no such programme exists for sex trafficking.

17. Despite numerous treaties and extensive attention by United Nations bodies, the lack of enforcement mechanisms in international law remains a significant obstacle to eradicating trafficking.

18. HRA urges the Commission on the Status of Women to renew the mandate of the working group on the elaboration of a draft optional protocol to the Convention on the Elimination of All Forms of Discrimination against Women. Further, optional protocols should be considered to the Convention on the Rights of the Child on child trafficking and to the 1949 Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others. Such optional protocols would provide redress for individual complaints from victims of trafficking and supervision of States parties' implementation of anti-trafficking provisions.

19. HRA commends the work of the Working Group on Contemporary Forms of Slavery, and recommends that the secretariat follow previous suggestions to establish a data bank, by subject and by country. HRA notes Mr. Maxim's concern that poorer countries may be overloaded by too broad a request, and thus it may be more fruitful to limit the questionnaires sent to specific areas such as implementation of anti-trafficking instruments. HRA also recommends that the Working Group individualize its questionnaires to Governments, recording questions and responses in the database to provide consistency with addressing and responding to areas of concern in certain Governments. Less burdensome questionnaires may encourage greater participation by Governments.

20. Lastly, HRA urges the Commission on Human Rights to encourage coordination of existing monitoring mechanisms. Further, in order to provide a mechanism for redress of human rights abuses, the Special Rapporteur on violence against women or the Special Rapporteur on the sale of children, child prostitution and child pornography should be given authority to take urgent actions to address allegations of specific violations and to investigate reliable allegations of governmental inaction with respect to those violations.

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